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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,004	02/07/2001	Jim Sundqvist	040000-681	5708

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ERICSSON INC.
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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,004

Applicant(s)

SUNDQVIST ET AL.

Examiner

Stephan F. Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15 and 17-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-13,15 and 17-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-13, 15, 17-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. with Patent Number 6,728,365.

3. Regarding claim(s) 1, 15, Li teaches using RSVP in wireless and wireline networks. Li teaches sending a reservation request for a terminal to a reservation node for resources, col. 3, lines 61-67. Li teaches determining by the reservation node whether resources are available in wireless, col. 4, lines 63-64 and wireline networks, col. 18, lines 62-66. Li teaches reserving or committing by the reservation node resources in accord with available resources, col. 4, lines 64-67. Li teaches the reservation node contacting a broker or negotiator, col. 4, lines 57-59 and GDS as “networks”, col. 6, lines 30-32.

4. Regarding claim(s) 3, 10, 12, 17, 23, 25, Li teaches if resources are not available, col. 12, lines 5-8, 28-30 contacting another broker or reassigning the connection, col. 8, lines 58-61 as is done in legacy RSVP wireline networks and as described as “levels”, col. 4, lines 40-42, 53; col. 5, line 61.

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5. Regarding claim(s) 4, 18, Li teaches the request including information related to the service requirements, col. 8, lines 2-4.
6. Regarding claim(s) 5, 19, Li teaches the various service requirements, col. 5, lines 1-67; col. 9, lines 8-54.
7. Regarding claim(s) 6-7, 20-21, Li teaches sending a message to a geographic domain server as “base station”, col. 6, lines 12-20 indicating resources are available in wireless, col. 4, lines 63-64 and wireline networks, col. 18, lines 62-66 for reserving or committing by the reservation node resources in accord with available resources, col. 4, lines 64-67.
8. Regarding claim(s) 8-9, 22, Li teaches determining by the reservation node whether resources are available in wireline networks, col. 18, lines 62-66 and the reservation node is broker or negotiator, col. 4, lines 57-59.
9. Regarding claim(s) 11, 24, Li teaches historical analysis of loads, etc., col. 10, lines 53-61.
10. Regarding claim(s) 12, Li teaches the reservation node is broker or negotiator, col. 4, lines 57-59.
11. Regarding claim(s) 13, 26, Li teaches the types of resources to be reserved, col. 8, lines 10-14.

Response to Amendment

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

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2. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant describes "a service broker" and GDS in Paper Filed 3/15/05, Pages 8-9. The above description and argument is not commensurate with what is presently claimed and therefore will not be considered at this time. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

4. Applicant suggests "Li does not disclose a bandwidth broker, nor does Li describe a" GDS, Paper Filed 3/15/05, Page 9, lines 9-10. However, Li teaches the reservation node contacting a broker or negotiator, col. 4, lines 57-59 and GDS as "networks", col. 6, lines 30-32 based on the present claim language. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Golden reference with Patent Number 6,563,79 and Parnafes reference with Patent Number 6,721,272 are suggested. The other references cited teach numerous other ways to adapt RSVP to wireless networks, thus a close review of them is suggested.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

May 18, 2005


BEATRIZ PRIETO
PRIMARY EXAMINER